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Agenda item 116

Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Mr. Abdulla Eid Salman **Al-Sulaiti** (Qatar)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 24th to 29th , 36th, 39th, 43rd and 53rd meetings, from 24 to 31 October and on 7, 11, 13 and 20 November 2003. At its 24th to 29th meetings, the Committee held a general discussion on item 116 jointly with item 115. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/57/SR.24-29, 36, 39, 43 and 53).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/58/180);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/58/115);

(c) Letter dated 2 October 2003 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting the declaration and the statement on Palestine adopted by the Ministers for Foreign Affairs of the Non-Aligned Movement at their meeting held at United Nations Headquarters on 26 September 2003 (A/58/420);

(d) Letter dated 3 October 2003 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of the

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Ministers for Foreign Affairs of the Organization of the Islamic Conference, held at United Nations Headquarters on 30 September 2003 (A/58/415-S/2003/952).

4. At the 24th meeting, on 24 October, the Director of the New York Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance made introductory statements (see A/C.3/58/SR.24).

5. At the same meeting, the Committee engaged the above-mentioned speakers in a dialogue, in which the representatives of Italy, Egypt, Canada, the Syrian Arab Republic, the Sudan, Cuba, Côte d'Ivoire, Guyana, Benin, Pakistan, Israel and the Islamic Republic of Iran took part.

II. Consideration of proposals

A. Draft resolution A/C.3/58/L.31

6. At the 36th meeting, on 7 November, the representative of Pakistan, on behalf of Algeria, Azerbaijan, Bahrain, Bangladesh, Benin, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, the Democratic Republic of the Congo, the Dominican Republic, Egypt, Eritrea, the Islamic Republic of Iran, Iraq, Kenya, Kuwait, the Libyan Arab Jamahiriya, Malaysia, the Niger, Nigeria, Oman, Pakistan, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Suriname, Thailand, Togo, the United Arab Emirates, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/58/L.31). Subsequently, Armenia, the Comoros, El Salvador, Madagascar, Mauritania and Mozambique joined in sponsoring the draft resolution.

7. At the 52nd meeting, on 20 November, statements were made by the representatives of Pakistan, Singapore, Algeria, India, Malaysia, Italy, Egypt, Chile and Liechtenstein (see A/AC.3/58/SR.52).

8. At the same meeting, the representative of the Office of Legal Affairs made a statement (see A/C.3/58/SR.52).

9. Subsequently, Benin, Botswana, the Dominican Republic, Kenya and Saint Vincent and the Grenadines withdrew as sponsors of the draft resolution.

10. At the 53rd meeting, on 20 November, the representative of India made a statement (see A/C.3/58/SR.53).

11. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.31 by a recorded vote of 88 to 3, with 64 abstentions (see para. 25, draft resolution I). The voting was as follows:[1]

[1] The delegations of the Dominican Republic and Turkmenistan subsequently indicated that, had they been present during the vote, they would have voted in favour of the draft resolution. The delegations of Fiji and Nepal subsequently indicated that, had they been present, they would have abstained.

In favour:

Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Chile, China, Comoros, Congo, Costa Rica, Croatia, Cuba, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Guatemala, Honduras, Iran (Islamic Republic of), Ireland, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Qatar, Republic of Korea, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen.

Against:

Bhutan, India, Mauritius.

Abstaining:

Andorra, Antigua and Barbuda, Bahamas, Barbados, Belgium, Belize, Benin, Botswana, Cambodia, Colombia, Côte d'Ivoire, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guyana, Hungary, Iceland, Indonesia, Israel, Italy, Jamaica, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Micronesia (Federated States of), Monaco, Namibia, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America.

12. After the draft resolution was adopted, statements were made by the representatives of Myanmar, the United States of America, Argentina, Armenia, Cyprus, Burkina Faso, the United Kingdom of Great Britain and Northern Ireland, Indonesia, Nepal, Canada (also on behalf of Australia and New Zealand), Liechtenstein, Ethiopia, Portugal, the Dominican Republic, Mongolia, Turkmenistan, Fiji, Austria and Cape Verde (see A/C.3/58/SR.53).

13. Also at the same meeting, statements were also made by the representatives of Pakistan, Bangladesh, Malaysia, the Islamic Republic of Iran, Ireland, Cuba, India, Thailand, Nigeria, Republic of Korea, Croatia and Bulgaria (see A/C.3/58/SR.53).

B. Draft resolution A/C.3/58/L.32

14. At the 39th meeting, on 11 November, the representative of Cuba, on behalf of Algeria, Angola, Burundi, China, the Congo, Costa Rica, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, India, the Islamic Republic of Iran, Kenya, the Lao People's Democratic Republic, Lesotho, the Libyan Arab Jamahiriya, Malawi, Myanmar, Nigeria, Peru, the Russian

Federation, the Sudan, Suriname, Swaziland, the Syrian Arab Republic, Togo, the United Republic of Tanzania, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/58/L.32). Subsequently, Benin, Cambodia, the Comoros, Côte d'Ivoire, the Gambia, Ghana, Madagascar, Namibia, Pakistan and Zambia joined in sponsoring the draft resolution.

15. At the same meeting, the representative of Cuba orally revised the draft resolution by replacing operative paragraph 11, which read:

> "11. *Expresses its appreciation* for the proposal of an enhanced legal definition of mercenaries contained in the report of the Special Rapporteur of the Commission on Human Rights, and requests the Special Rapporteur, with the Secretary-General's assistance, to circulate it to the Member States and to seek their views and comments in order to report to the General Assembly at its fifty-ninth session as additional contributions to the discussion preceding the review of amendments to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries",

with the following text:

> "11. *Takes note with appreciation* of the proposal of an enhanced legal definition of mercenaries contained in the report of the Special Rapporteur of the Commission on Human Rights, and requests the Secretary-General to circulate it to the Member States and to seek their views to include them in the report of the Special Rapporteur to the General Assembly at its fifty-ninth session".

16. At the 43rd meeting, on 13 November, the Secretary of the Committee read out a statement by the Director of the Programme Planning and Budget Division of the Office of Programme Planning, Budget and Accounts in connection with the draft resolution (see A/C.3/58/SR.43).

17. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.32, as orally revised, by a recorded vote of 111 to 23, with 27 abstentions (see para. 25, draft resolution II). The voting was as follows:[2]

In favour:

> Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone,

[2] The delegation of Rwanda subsequently indicated that it had intended to vote in favour of the draft resolution.

Singapore, Somalia, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

Belgium, Bulgaria, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Japan, Lithuania, Luxembourg, Monaco, Netherlands, Norway, Poland, Rwanda, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Australia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Greece, Ireland, Kazakhstan, Latvia, Liechtenstein, Malta, Nauru, New Zealand, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey.

18. Before the adoption of the draft resolution, a statement was made by the representative of Italy, on behalf of the States Members of the United Nations that are members of the European Union and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, as well as Bulgaria, Romania and Turkey (see A/C.3/58/SR.43).

19. After the adoption of the draft resolution, statements were made by the representatives of Argentina, Armenia, New Zealand (also on behalf of Canada, Australia, Liechtenstein, Switzerland and Norway) and Azerbaijan (see A/C.3/58/SR.43).

C. Draft resolution A/C.3/58/L.35

20. At the 36th meeting, on 7 November, the representative of Egypt, on behalf of Algeria, Andorra, Armenia, Austria, Bahrain, Bangladesh, Belgium, Belize, Benin, Brazil, Brunei Darussalam, Burkina Faso, Chile, China, the Congo, Cuba, Cyprus, Denmark, Djibouti, Egypt, Ethiopia, Finland, France, Greece, India, Indonesia, Ireland, Japan, Jordan, Kenya, Kuwait, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malaysia, Malta, Morocco, the Niger, Nigeria, Norway, Oman, Pakistan, Poland, Portugal, Qatar, Saudi Arabia, Senegal, South Africa, Spain, the Sudan, Sweden, Tunisia, Turkey, the United Arab Emirates, the United Republic of Tanzania, Viet Nam, Yemen, Zambia and Palestine,[3] introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/58/L.35). Subsequently, Afghanistan, Antigua and Barbuda, Azerbaijan, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Cape Verde, the Comoros, Croatia, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Ecuador, Eritrea, Estonia, the Gambia, Germany, Guinea-Bissau, Guyana, Hungary, Iceland, Latvia, the Lao People's Democratic Republic, Lesotho, Madagascar, Mali, Mauritania, Monaco, Mozambique, Namibia, the Netherlands, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Sierra Leone, Slovakia, Slovenia, Somalia, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and Zimbabwe joined in sponsoring the draft resolution.

[3] In accordance with General Assembly resolution 52/250.

21. At its 43rd meeting, on 13 November, the Committee adopted draft resolution A/C.3/58/L.35 by a recorded vote of 159 to 2, with no abstentions (see para. 25, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

None.

22. Before the draft resolution was adopted, a statement was made by the representative of Italy (on behalf of the States Members of the United Nations that are members of the European Union and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, as well as Bulgaria, Romania and Turkey) (see A/C.3/58/SR.43).

23. After the draft resolution was adopted, statements were made by the representatives of Israel, Canada, Australia, Egypt and Yemen.

24. The observer of Palestine also made a statement[3] (see A/C.3/58/SR.43).

III. Recommendations of the Third Committee

25. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its fifty-ninth[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 57/197 of 18 December 2002,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, which, inter alia, upholds the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[3] A/58/180.

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its fifty-ninth session under the item entitled "Right of peoples to self-determination".

Draft resolution II
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling its resolution 57/196 of 18 December 2002, and taking note of Commission on Human Rights resolution 2003/2 of 14 April 2003,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenaries in Africa,[2]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] Resolution 2625 (XXV), annex.

1. *Welcomes* the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;[4]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies' intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Welcomes* the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries,[5] and calls upon all States that have not yet done so to consider taking the necessary action to accede to or ratify the Convention;

7. *Welcomes also* the cooperation extended by those countries that have received visits from the Special Rapporteur;

8. *Welcomes further* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

10. *Welcomes* the organization, in compliance with General Assembly resolution 56/232 of 24 December 2001, of the second meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and takes note of its conclusions;

11. *Takes note with appreciation* of the proposal of an enhanced legal definition of mercenaries contained in the report of the Special Rapporteur of the Commission on Human Rights, and requests the Secretary-General to circulate it to

[4] See A/58/115.

[5] Resolution 44/34, annex.

the Member States and to seek their views to include them in the report of the Special Rapporteur to the General Assembly at its fifty-ninth session;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

13. *Requests* the Special Rapporteur to continue taking into account in the discharge of his mandate the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities;

14. *Recommends* that the Commission on Human Rights renew the mandate of the Special Rapporteur for a period of three years;

15. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

16. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, both professional and financial, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

17. *Requests* the Special Rapporteur to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its fifty-ninth session his findings on the use of mercenaries to undermine the right of peoples to self-determination;

18. *Decides* to consider at its fifty-ninth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

Draft resolution III
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling further the United Nations Millennium Declaration,[6]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.174 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.